


Invention VIII, claims 94-96, drawn to a sealable apparatus and Invention IX, claims 97-101, drawn to a method of making a heating apparatus. Applicant respectfully traverses the Restriction Requirement and requests reconsideration in light of the remarks presented below. In order to be fully responsive, Applicant has provisionally elected, with traverse, the invention of Group I drawn to claims 1-24 and 74-82. Applicants expressly reserve the right to present the claims of Inventions II-IX, or other claims, in one or more divisional, continuation, or continuation-in-part applications at a later date.

It is respectfully submitted that the Examiner will not be burdened by examining all of the claims, especially in light of the fact that many of the groups contain 5 or less claims (e.g. Groups V-IX). It is respectfully submitted, that the search classification for each invention group will substantially overlap. For instance, invention groups II, III and V should be combined because they involve a substantially similar process of use (i.e. a method of controlled heating). In addition, invention groups IV, VII and VIII should be combined because they involve a similar apparatus of use (i.e. "apparatus for heating"). The Examiner will not be seriously burdened by searching and considering the inventions as described in the restricted claims. Accordingly, the Examiner has not established a proper restriction requirement under MPEP§803, and it is respectfully submitted at the very least, the restriction requirement should be modified to combine invention groups II, III and V and invention groups IV, VII and VIII. In view of the above election and remarks, Applicants believe that the application is in condition for examination and allowance on the merits. Favorable resolution is respectfully requested.

Simultaneously herewith, Applicant has filed a Petition to Revive an Unintentionally abandoned application and paid the Petition Fee in the amount of \$650 (Small Entity). In the event that any further fee is required for this response, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2254.

Should the Examiner have any questions or comments, or need any additional information from Applicant's attorney, he is invited to contact the undersigned at his convenience.

Respectfully submitted,



By: _____

Raymond A. Miller
Reg. No. 42,891

Dated: August 28, 2003
PEPPER HAMILTON LLP
500 Grant Street
One Mellon Bank Center, 50th Floor
Pittsburgh, PA 15219
(412) 454-5813
(412) 281-0717 - facsimile

OFFICIAL

RECEIVED
CENTRAL FAX CENTER
SEP 02 2003